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OFFICE OF PETITIONS

In re Application of Sakamoto et al. :
Application No. 09/449,907 : Decision on Petition
Filing Date: December 2, 1999 :
Attorney Docket No. 107176-09004 :

This is a decision on the petition filed October 11, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Facts:

Petitioner's attorneys relocated to a new address on March 6, 2000.

Petitioner instructed the USPS to forward all mail to the new address.

Per the petition, petitioner "submitted by e-mail on or about May 22, 2001, a spreadsheet listing applications for which [the address of record] was to be changed."

On May 22, 2001, Stacy Fuller of the United States Patent and Trademark Office sent an e-mail to Margaret Drosos, a patent administrator at the law firm.

Stacy Fuller noted problems with the original spreadsheet and stated,

Please take a look at the attached spreadsheet, which lists the "questionable" applications. Once you have verified whether or not you wish to associate these applications/patents with your customer number, please mark them as such on the attached spreadsheet ... or simply email me the list of applications/patents that you DO NOT wish to be associated with the customer number. Please DO NOT delete any applications from the spreadsheet.

A copy of the spreadsheet sent by Fuller has not been supplied.

Drosos sent a reply e-mail on May 29, 2001. The reply email stated, "I have edited your report so as to only [include] those applications [for which the address should be changed]."

Fuller sent an e-mail on May 29, 2001, stating,

Unfortunately we asked that you email me the list of applications/patents that you DO NOT wish to be associated with your customer number and that you not delete any applications from the spreadsheet.... Please resend the error report with these applications clearly noted.

The record fails to indicate Drosos resent the error report with the applications that the firm did not want changed clearly marked.

The address of record for the instant application was not changed.

A Notice of Allowance and a Notice of Allowability were mailed January 14, 2002. The Notice of Allowance required the submission of the issue fee. The Notice of Allowability required the submission of corrected drawings.

Petitioner failed to receive the Notices at the address associated with the customer number listed on the spreadsheet sent May 22, 2001.

The Office failed to receive a reply to the Notice of Allowance or the Notice of Allowability. Therefore, the application became abandoned April 15, 2002.

A Notice of Abandonment was mailed May 16, 2002.

A request to change the address of record was filed October 24, 2002. The request listed the new address but did not refer to the customer number associated with the address.

A status inquiry was filed July 19, 2005.

A request to change the address of record was filed February 21, 2006. The paper requested the address be changed to the address associated with petitioner's customer number.

Discussion:

Petitioner contends the address of record should have been changed pursuant to the spreadsheet submitted May 22, 2006.

The record fails to indicate the request to change the addresses complied was properly filed since it was only submitted by e-mail. However, even if the request was proper, petitioner has failed to demonstrate Drosos ever resent the error report in response to Fuller's May 29, 2001 e-mail. Drosos had no reason to conclude the addresses had been changed if she was aware of outstanding problems with the spreadsheet.

A copy of all e-mails to and from Fuller, along with a copy of all attachments, should be filed with any request for reconsideration.

Petitioner has submitted a copy of page 16 of the spreadsheet. A review of many of the applications on page 16 of the spreadsheet indicates the address of record *may* not have been changed for any of the applications.

Did the spreadsheet result in any addresses of record being changed to the address associated with petitioner's customer number? If not, why did petitioner conclude the original spreadsheet had been accepted and the changes made? Was the instant application the only application abandoned as a result of the non-entry of the change of address filed May 22, 2001? Any request for reconsideration should list **all** applications for which petitions to revive or to withdraw the holding of abandonment were filed after the application became abandoned as a result of a paper being mailed to the prior address for petitioner's attorneys.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
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By hand: U.S. Patent and Trademark Office
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Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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